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| EXAMINER |
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SINKANTARAKORN, PAWARIS

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| ART UNIT | PAPER NUMBER |
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2416

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| NOTIFICATION DATE | DELIVERY MODE |
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10/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

| | | | |
|------------------------------|---------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/096,936 | Applicant(s) DARLAND ET AL. | |
| | Examiner PAO SINKANTARAKORN | Art Unit 2416 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,19 and 23-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-24 is/are allowed.
- 6) ☒ Claim(s) 1,3-13,19,25-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3-13, 19, 23-29 are currently pending in the application. Claims 2, 14-18, 20-22, and 30-35 have been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Watts (newly cited US 5,668,861).

Regarding claim 25, Watts disclose a method for setting up a call originated via a public switched telephone network to an intelligent service network component, comprising the steps of:

receiving a request for facilities to provide service for the call (see column 3 lines 21);

selecting by a switch controller the intelligent service network component (see column 3 lines 25-29);

commanding by the switch controller a programmable switch to provide connections and signal to a PSTN to connect the call to the intelligent service network component (see column 3 lines 25-29); and

sending by the switch controller a call offered signal to the intelligent service network component (see column 3 lines 57-65).

Regarding claim 26, Watts discloses a method for connecting a call from an intelligent service network component to a terminating party via a PSTN, comprising the steps of:

receiving by a switch controller from the intelligent service network component a request to connect the call to the terminating party indicating a type of the call (see column 3 lines 34-56, the tone register in the intelligent peripheral signals auxiliary computer, which then queries network switch as to the status of the calling device);

commanding a programmable switch to attain facilities via the PSTN to the terminating party (see column 3 lines 34-56, the tone register signals auxiliary computer, which then queries network switch as to the status of the calling device); and

receiving from the programmable switch a message indicating that the facilities have been obtained (see column 3 lines 34-56, the network switch returns the status of the calling device, then the auxiliary computer instructs network switch accordingly).

Regarding claim 27, Watts discloses a method for disconnecting a call established between a PSTN and an intelligent service network component, comprising the steps of:

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receiving by a switch controller a termination signal obtained from a calling device interconnected to the PSTN indicating that the call is being terminated (see column 3 lines 34-56, the telecommunication device presses the keypad to send the tone to the intelligent peripheral, which signals the auxiliary computer);

notifying the intelligent service network component that the established call is being terminated (see column 3 lines 34-56, if the calling device is inactive, the network switch disconnects the intelligent peripheral); and

commanding by a switch controller a programmable switch to release the call (see column 3 lines 34-56, if the calling device is inactive, auxiliary computer instructs the network switch to disconnect the intelligent peripheral).

Claim Rejections - 35 USC § 103

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-13, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erwin et al. (H1,802) in view of Watts (newly cited US 5,668,861).

Regarding claim 1, an intelligent service network [call processor system see fig. 3], comprising:

a programmable switch [switch 300, see fig. 3]; and

a switch controller [call processor 312 or switching module 302, see fig. 3] coupled to said programmable switch [switch 300, fig. 3], and including a service control means for interfacing with an intelligent service network component of said intelligent service network [see fig. 3 and col. 7, lines 12-22, 38-48, 55-60 and col. 8, lines 30-38, where the call processor includes call processing application control means for providing various call processing and signaling function and interfaces network

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management servers, network switching modules and servers for sending signaling and call control data].

Erwin et al. do not explicitly teach another programmable switch coupled to a public switched telephone network (PSTN) means for coupling a calling device; another switch controller, wherein each of the switch controllers means for coupling to at least one of the programmable switches; and one or more intelligent service network components, wherein each of the one or more intelligent service network components means for coupling to at least one of the switch controllers.

Watts, from the same or similar fields of endeavor, disclose another programmable switch coupled to a public switched telephone network (PSTN) means for coupling a calling device (see Figure 1 network switch 34); another switch controller, wherein each of the switch controllers means for coupling to at least one of the programmable switches (see Figure 1 auxiliary computer system 42, wherein the auxiliary computer system provides computer processing capability to the switch); and one or more intelligent service network components, wherein each of the one or more intelligent service network components means for coupling to at least one of the switch controllers (see Figure 1 intelligent peripheral 40).

Thus, it would have been obvious at the time of the invention to implement another programmable switch coupled to a public switched telephone network (PSTN) means for coupling a calling device; another switch controller, wherein each of the switch controllers means for coupling to at least one of the programmable switches; and one or more intelligent service network components, wherein each of the one or more

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intelligent service network components means for coupling to at least one of the switch controllers as taught by Watts into the network of Erwin et al.

The motivation for implementing another programmable switch coupled to a public switched telephone network (PSTN) means for coupling a calling device; another switch controller, wherein each of the switch controllers means for coupling to at least one of the programmable switches; and one or more intelligent service network components, wherein each of the one or more intelligent service network components means for coupling to at least one of the switch controllers is that it increases the efficiency and capabilities of the network.

Regarding claim 3, wherein said switch controller [call processor 312, see fig. 3] further comprises: a programmable switch support means [telephony support modules 304 and interface modules 306, see fig. 3 and col. 7, lines 38-65] for providing an interface to said programmable switch; and a call control means [call processor 312, see fig. 3 and col. 7, lines 12-22, 38-48, 55-60 and col. 8, lines 30-38] for establishing a connection between ports on said programmable switch.

Regarding claim 4, wherein said switch controller further comprises: a resource control means for allocating resources [see col. 8, lines 55-65, where the call processor is operable to transfer/allocate the format data from the storage device to other components of the telecommunication switch].

Regarding claim 5, Erwin discloses in fig. 3 wherein the switch controller [call processor 312 of fig. 3] further comprises: management interface [network management

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server interface] means for providing an interface to external management systems [routers].

Regarding claim 6, Erwin discloses in fig. 5 and in col. 10, lines 38-67 of the intelligent programmable switch includes a digital exchange [digital signal processor, see col. 10, lines 38-67].

Regarding claim 7, Erwin discloses wherein said intelligent service network component comprises one of an operator console, an automated response unit, a service switching control point, and a protocol converter [see col. 5, lines 18-20 and 37-50, where the telecommunication switch preferably includes one or more switching module for performing switching operations].

Regarding claim 8, Erwin discloses in fig. 3 and col. 6, lines 66-to col. 7, lines 4 wherein said intelligent service network component comprises one of a means for accessing data [telephony support module 304], and a means for interfacing [the interface module 306] with a caller.

Regarding claim 9, Erwin discloses wherein said intelligent service network [call processor system 312] component comprises one of a network information distribution system database [primary network management server 314] coupled to said switch controller [switching module 302] via a network information distribution system server, an applications database, a data distribution system database, and a mainframe database [see fig. 3 and col. 7, lines 12-22, 38-48, 55-60 and col. 8, lines 30-38].

Regarding claim 10, further comprising: a system management system [primary network management server 314] coupled to said switch controller [switching module 302, see fig. 3].

Regarding claim 11, further comprising: a force management system [primary network management server B 314] coupled to said switch controller [switching module 302, see fig. 3].

Regarding claim 12, further comprising: a configuration and provisioning system [see col. 7, lines 38-48] coupled to said switch controller [switching module 302, see fig. 3].

Regarding claim 13, further comprising: another programmable switch coupled to said switch controller [see col. 8, lines 20-38, where another telecommunication switch is coupled to a switching modules].

Regarding claim 19, Erwin et al. fail to teach a network further comprising: one or more external networks and resources, wherein each one of the one or more external networks and resources is coupled to at least one of the one or more intelligent service network components.

Watts, from the same or similar fields of endeavor, discloses a network further comprising: one or more external networks and resources (see Figure 1 telco devices 14 and 16 and network switch 36 is external to telco devices 10 and 12 and network switch 34), wherein each one of the one or more external networks and resources is coupled to at least one of the one or more intelligent service network components (see

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Figure 1, network switch 36 is connected to intelligent peripheral 40 via auxiliary computer system 42).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement a network further comprising: one or more external networks and resources, wherein each one of the one or more external networks and resources is coupled to at least one of the one or more intelligent service network components as taught by Watts into the network of Erwin et al.

The motivation for implementing a network further comprising: one or more external networks and resources, wherein each one of the one or more external networks and resources is coupled to at least one of the one or more intelligent service network components is that it allows communications between two networks.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watts in view of Griffith et al. (newly cited US 5,598,412).

Regarding claim 29, Watts disclose a method for connecting a call, connected between a public switched telephone network and a network component from the first intelligent service network component to a second intelligent service network component, comprising the steps of:

receiving from the first intelligent service network component a request to connect the call (see column 3 lines 34-56, the tone register in the intelligent peripheral signals auxiliary computer, which then queries network switch as to the status of the calling device);

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selecting by a switch controller the intelligent service network component (see column 3 lines 34-56);

sending by a switch controller a call offered signal to the intelligent service network component (see column 3 lines 57-65); and

commanding by the switch controller a programmable switch to provide connections and signal to a PSTN to connect the call to the intelligent service network component (see column 3 lines 25-29).

Watts does not disclose a method for transferring a call from the first device to a second device and parking the channel of the call while the call is being transferred. However, Griffith et al. from the same or similar fields of endeavor disclose method for transferring a call from the first device to a second device and parking the channel of the call while the call is being transferred (see column 9 lines 7-15).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the method for transferring a call from the first device to a second device and parking the channel of the call while the call is being transferred as taught by Griffith et al. into the method of Watts.

The motivation for implementing a method for transferring a call from the first device to a second device and parking the channel of the call while the call is being transferred is that it increases the efficiency of the telecommunications system.

Allowable Subject Matter

9. Claims 23-24 are allowed.

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10. Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments filed 7/24/2008 have been fully considered but they are not persuasive.

On pages 1-2 of the Remarks, the Applicants submit that Watts fails to disclose "an intelligent service network component," and that the cited intelligent peripheral is not an "intelligent service network component," as claimed because it uses the word "intelligent" in its description. The Examiner respectfully disagrees. The structure of the intelligent service network component is not defined in the claim; therefore, the Examiner gives the term the broadest reasonable interpretation. It is important to note that, during patent examination, the claims must be interpreted as broadly as their terms reasonably allow without reading the limitations in the specification into the claim. Thus, the Examiner broadly interprets the intelligent peripheral processor, which includes a voice announcement capability, tone dial registers, and a processing unit, as the intelligent service network component.

On page 3 of the Remarks, the Applicants submit that Erwin does not teach a switch controller coupled to a programmable switch. The Examiner respectfully disagrees. Erwin discloses the call processor system 312 sending call control data to a telecommunications switch 300 (see column 8 lines 30-38). In other words, Erwin

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discloses that a call processor system 312 in a switch is a switch controller coupled to another switch. Also, the Applicants submit that there is no motivation to make the combination of Erwin and Watts. However, the Examiner respectfully disagrees. One of ordinary skill in the art would have been motivated to combine the programmable switch of Watts into the network of Erwin if one of ordinary skill in the art attempted to couple the network of Erwin to a public switched telephone network (PSTN), as Watts discloses a programmable switch for coupling to PSTN. The motivation to make the combination is that it increases the efficiency and capabilities of the network by allowing the network of Erwin to communicate with devices coupled to PSTN.

Thus, in view of the above reasoning, the Examiner believes the rejections should be sustained.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAO SINKANTARAKORN whose telephone number is (571)270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-3:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pao Sinkantarakorn/
Examiner, Art Unit 2416

/Ricky Ngo/
Supervisory Patent Examiner, Art
Unit 2616

PS